

REMARKS

Applicant respectfully requests reconsideration of the application.

Claims 4, 5, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,449,377 by Rhoads.

Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,181,802 to Todd.

Claims 1-3, and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads in view of Todd.

Claim 1

Original claim 1 was rejected over Rhoads in view of Todd. The Action notes that Rhoads “does not disclose that the image is divided into secondary control areas, where each control area covers a portion of the image with a characteristic that falls within a particular range.” Todd is cited for teaching dividing an image into blocks and then segmenting the blocks into categories. Col. 7, step 5B. Todd, however, does not teach “each secondary control area covering a portion of said image where a tonal density of said image falls within a particular range” as claimed.

Elsewhere in the Action (paragraphs 16, 28 and 39), the Office contends that Todd’s signal activity is equivalent to various tonal measures as recited in claims 7, 8 and 14, but this is not correct. In particular for amended claim 1, Todd’s signal activity is not equivalent to the claimed “tonal density” of claim 1. For example, regions of an image can have completely uniform shades of gray across the respective regions, yet these regions have different tonal density corresponding to different shades of gray. In this case, the tonal density varies from region to region, yet the signal activity remains about the same (e.g., each being low activity) in each region because the image appears to be a flat shade across each region. Signal activity is not tightly correlated to the claimed measure that defines tonal density within particular ranges. Therefore, the cited teachings of Todd are not relevant to claim 1.

Dependent claims 2, 3, 13, 15 and 16 are patentable for the same reasons as claim 1, and include elements that distinguish them from the cited art.

Claims 4-5 and 9-11

Original claims 4-5 and 9-11 were rejected as being anticipated by Rhoads. Claims 4, 9 and 10 have been amended and are believed to be patentable over the cited art.

Claims 5 and 11 are similarly patentable as corresponding independent claims 4 and 10.

Claim 6

Claim 6 is patentable for the same reasons as claim 4. In addition, Schneider appears to teach detection of lines, not the size of lines or areas having lines within specified size ranges.

Claim 7

Todd's measure of activity of blocks is not equivalent to image areas having tonal values limited to pre-established different ranges as claimed. A measure of signal activity for a block does not indicate whether the block has tonal values that are within a pre-establish range. For example, blocks can have the same signal activity, yet drastically different tonal values.

Claim 8

As noted previously, Todd's measure of activity is not relevant to tonal density. Therefore, claim 8 is patentable over Todd and Dickey.

Claim 12

Claim 12 is patentable for the same reasons as claim 10. In addition, as noted for claim 6, Schneider appears to be silent regarding filtering to determine areas of an image having lines within specified ranges.

Claim 17

The cited art fails to teach “means for dividing said image into secondary control areas, each secondary control area covering a portion of said image where a tonal characteristic of said image falls within a particular range” in combination with the other elements of claim 17.

In view of the above, the claims should be patentable over the cited art.


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CUSTOMER NUMBER 23735

Phone: 503-469-4800
FAX 503-469-4777

Respectfully submitted,

DIGIMARC CORPORATION

By 
Joel R. Meyer
Registration No. 37,677